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TO:

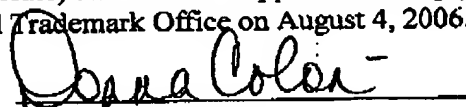
Name: Examiner D. DeMille/Art Unit 3764
Mail Stop: APPEAL BRIEF - Patents
Firm: U.S. Patent & Trademark Office
Fax No.: 571-273-8300
Subject: U.S. Patent Application No. 08/354,450
Gary Karlin Michelson
Filed: December 12, 1994
DEVICE FOR ARTHROSCOPIC MENISCAL
REPAIR
Attorney Docket No. 101.0023-04000
Customer No. 22882
Confirmation No.: 3041

FROM:

Name: Amedeo F. Ferraro
Phone No.: 310-286-9800
No. of Pages (including this): 5
Date: August 4, 2006
Confirmation Copy to Follow: NO

Message:**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate) and Second Supplemental Reply Brief are being facsimile transmitted to the U.S. Patent and Trademark Office on August 4, 2006.


Donna Colon

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PATENT
Attorney Docket No. 101.0023-04000
Customer No. 22882

APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:
Gary Karlin Michelson, M.D.
Serial No.: 08/354,450
Filed: December 12, 1994
For: DEVICE FOR ARTHROSCOPIC
MENISCAL REPAIR

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Group Art Unit: 3764
Examiner: D. DeMille

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Mail Stop APPEAL BRIEF-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SECOND SUPPLEMENTAL REPLY BRIEF

Appellant submits the following reply to the Supplemental Examiner's Answer dated June 21, 2006 (the "June 2006 Supplemental Examiner's Answer"). The following remarks are submitted for consideration by the Board of Patent Appeals and Interferences.

I. Order from the Board dated May 22, 2006.

On May 22, 2006, the Board issued an Order that the application be returned to the Examiner for:

1. the petitions noted above to be properly decided and made of record to the application,
2. a copy of the decisions on the petitions to be sent to appellant,
3. a copy of the decisions on the petitions to be scanned into the electronic file,
4. the Examiner to resubmit the Supplemental Examiner's Answer with proper authorization if the examiner wishes to have it considered by the BPAI in its disposition of the appealed claims, and
5. for such further action as may be appropriate.

(Order, paragraph bridging pages 2 and 3). As of the date of submission of the present Supplemental Reply Brief, items 1-3 of the Order have not been completed. One of the Petitions, submitted by Appellant on September 1, 2005 (the "September 2005

Second Supplemental Reply Brief 8-4-06

PATENT
Attorney Docket No. 101.0023-04000
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

Gary K. Michelson

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MENISCAL REPAIR

Confirmation No.: 3041

Art Unit: 3764

Examiner: D. DeMille

Mail Stop: Appeal Brief--Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Second Supplemental Reply Brief in response to the Supplemental Examiner's Answer dated June 21, 2006 in the above-identified application.

- ☒ Applicant claims small entity status under 37 C.F.R. §§ 1.9 and 1.27.
- ☒ No additional fee is required.
- ☐ Applicant hereby requests a ***-month extension of time to respond to the above action.
- ☐ The total amount of \$*** to cover the above fees is to be charged to Deposit Account No. 50-1066.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. A copy of this sheet is enclosed.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
MARTIN & FERRARO, LLP

Date: August 4, 2006

By: _____

Amedeo F. Ferraro
Registration No. 37,129

1557 Lake O'Pines Street, NE
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PATENT
Attorney Docket No. 101.0023-04000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson

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Respectfully submitted,
MARTIN & FERRARO, LLP

By: 

Amedeo F. Ferraro
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